

United States District Court Southern District of New York

Plaintiff
Sincere Smith

- against -

C.O. R. Lasanta, C.O. John Doe

Complaint
Under the Civil Rights Act

42 U.S.C. § 1983

Jury Trial Requested

I. Parties in this Complaint

A. Plaintiff, Sincere Smith
Pro Se Mid-State Corr. Fac.
Marcy, NY P.O. box 2500, 13403

B. Defendants

C.O. R. Lasanta.

C.O. John Doe

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Defendants No. 1-2 address is "currently"
 Sing Sing Correctional Facility 354 Hunter St,
 Ossining Ny, 10562-5442

II Injuries :

8th Amendment, deliberate indifference, failure to protect, failure to intervene, Headaches, pain & suffering, mental Anguish.

Plaintiff Sincere Smith 18A4013 brings this action pro se, as and for his complaint, upon knowledge as to himself and his actions and upon information and belief as to all other matters, alleged as follows:

Nature of Action

1. This is a civil rights action in which plaintiff Sincere Smith alleges that two New York state Department of Corrections Community Supervision (DOCCS) officers violated plaintiff's rights under 42 U.S.C § 1983 and the eighth amendment to the United States Constitution by placing plaintiff in a situation which put him at risk, a substantial risk of serious harm while being aware of that risk.

III. Statement of Facts

2. On 6/7/19 plaintiff was being escorted to the state shop area where drafts come in & leave out of Sing Sing Correctional Facility, on that date I just happened to be drafting out on a court trip.

3. When officer John doe & I arrived at the draft area he called officer R. Lasanta to walk us over to state shop ball pen because officer R. Lasanta was in possession of the keys to the ball pen.

4. Upon approaching that specific ball pen I noticed a threat to my safety & I immediately notified both officers that me and another inmate in that ball pen had separation orders & that the inmate assaulted me twice before while in doc's custody & to place me in that ball pen would be a risk to my well being.

5. Both officers told me I have no choice and had to go in that ball pen despite my protest, officer R. Lasanta even took out OC/chemical spray & gave me a direct order to enter the ball pen, I was then locked in the ball pen by officer R. Lasanta while my escort watched.

6. Within seconds I was assaulted by the inmate who I had a separation order with for the third time while in doc's custody;

7. Both officers watched the assault for several minutes then eventually intervened when other officers arrived.

IV. Exhaustion of administrative remedies;

1. Plaintiff attempted to exhaust his administrative remedies in relation to every claim mentioned herein.
2. Plaintiff's grievances were never filed, all evidence points toward prison officials purposely not filing the grievances. Or allowing plaintiff to appeal the unfiled grievance, by never responding.

V. Relief requested by plaintiff

Plaintiff respectfully request a judgement against defendants jointly and severally, as follows:

In favor of plaintiff in the amount of 70,000 \$ in compensatory damages, \$200,000 dollars in punitive damages, & Lawyer fees after proper calculation by the courts;
Granting such other & further relief as this court may deem just, proper and equitable.

Previous Lawsuits Filed

17-CV-9858-(VB) S.D.N.Y. - ended in settlement,
very similar circumstances in this current suit.

20-CV-1435-(GTS/CFH) N.D.N.Y. - Active case

21 - CV-492-(DNH/DJS) N.D.N.Y. - Dismissed

21 - CV-2712 - (NSR) S.D.N.Y. - Active case

OTHER CASE(S)

STATE COURT OF CLAIMS CASE


Claim No. 134244 - Active case

"This court of claims case is directly related to this
current action, no merits have been decided."

Verification

I have read the foregoing complaint and hereby verify that the matters therein are true, except as to matters alleged on information and belief, and as to those, I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

Executed at Marcy, New York on November
11th, 2021.


Sincere Smith

MID-STATE CORRECTIONAL FACILITY

P.O. BOX 2500

MARCY, NEW YORK 13403

NAME: Sincere Smith DIN: 1844013

SYRACUSE

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U.S. Courthouse Clerk
U.S. District Court
500 Pearl St
New York, New York 10007-1312

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NEW YORK STATE
DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION
OFFENDER CORRESPONDENCE PROGRAM

NAME: Sincer Smith DIN: 1844013